

REMARKS

In the Office Action mailed September 25, 2008 the Office noted that claims 1-8 were pending and rejected claims 1-8. Claims 1, 6, 7 and 8 have been amended, no claims have been canceled, and, thus, in view of the foregoing claims 1-8 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections and objections are traversed below.

OBJECTION TO THE SPECIFICATION

The disclosure stands objected to for informalities. In particular, the Office states that the title is non-descriptive. The Applicants have amended the title to recite "A SYSTEM AND METHOD FOR RECORDING INFORMATION ONTO AN INFORMATION RECORDING MEDIUM'S FIRST AND SECOND RECORDING LAYERS."

Withdrawal of the objection is respectfully requested.

REJECTIONS under 35 U.S.C. § 101

Claim 7 stands rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In particular, the Office asserts that the claim is directed to software only. The Applicants have amended the claim to overcome the rejection.

Withdrawal of the rejection is respectfully requested.

REJECTIONS under 35 U.S.C. § 102

Claims 1-8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kawamura, U.S. Patent No. 6,424,614. The Applicants respectfully disagree and traverse the rejection with an argument and amendment.

Kawamura discusses layers on a multi-layered disk which includes an inside guard area 2, program area 3, and outer guard area 5 which are located in uniform radial positions in all layers.

The Applicants have amended claim 1 to further recite "the first recording layer having a first buffer area for layer change and the second recording layer having a second buffer area for the layer change ... to write a first dummy data into a part of the first buffer area after the calculated turn-around address (II-1) to write a second dummy data into a part of the second buffer area before a corresponding address in the second recording layer which corresponds to the calculated turn-around address in the first recording layer and (II-2) to write a remaining second portion of the record information into the second recording layer from the corresponding address in the second recording layer." Support for the amendment may be found, for example, on page 31, line 19 to page 32, line 3; page 39, lines 11-14 and 19-24 of the Description as well as steps s111 and s113 of Fig. 6. The Applicants submit that no new matter has been added. Claim 6 has been likewise amended.

However, Kawamura merely discusses "if data is recorded into a certain layer (e.g. L0 layer) up to a certain radial position and if data is recorded into another layer (e.g. L1 layer) beyond the certain radial position, the empty data is recorded into the former layer (i.e. above "certain layer (L0 layer)") up to the same radial position of the recorded-data on another layer (L1 layer)" (see Kawamura col. 4, lines 13-24). This means that the empty data is recorded into only one layer out of the plural layers.

Claim 8 recites similar features as claims 1 and 6. Therefore, for at least the reasons discussed above, claims 1, 6 and 8 and the claims dependent therefrom are not anticipated by Kawamura.

Withdrawal of the rejections is respectfully requested.

#### SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 101 and 102. It is also submitted that claims 1-8 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/James J. Livingston, Jr./  
James J. Livingston, Jr.  
Reg. No. 55,394  
209 Madison St, Suite 500  
Alexandria, VA 22314  
Telephone (703) 521-2297  
Telefax (703) 685-0573  
(703) 979-4709

JJL/lrs